

Department of Community Planning and Economic Development
Rezoning
BZZ-5954

Date: March 25, 2013

Applicant: Donna Sanders, on behalf of Wetland Habitat Restorations

Address of Property: 2521-23 27th Avenue S

Project Name: Wetland Habitat Restoration – Rezoned-CUP

Contact Person and Phone: Donna Sanders, (612) 703-4092

CPED Staff and Phone: Aly Pennucci, (612) 673-5342

Date Application Deemed Complete: February 27, 2013

End of 60-Day Decision Period: April 28, 2013

End of 120-Day Decision Period: Not applicable for this application

Ward: 2 **Neighborhood Organization:** Seward

Existing Zoning: I1 Light Industrial District

Proposed Zoning: I1 Light Industrial District and IL Industrial Living Overlay District

Zoning Plate Number: 21

Legal Description: LOT 19, AND THE SOUTH 1.30 FEET OF LOT 20, BLOCK 11, MORRISON AND LOVEJOY'S ADDITION TO MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA
TORRENS

Proposed Use: Contractor's office, general retail sales and services uses, and two dwelling units.

Rezoning Petition: to add the IL Industrial Living Overlay District to the existing I1 Light Industrial District.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits and Chapter 551 Overlay Districts

Background and Analysis: The applicant had submitted an application to establish a contractor's office in the existing building located at 2521-23 27th Avenue S and to add the Industrial Living Overlay District (ILOD) to the property. The subject property is currently zoned I1 Medium Industrial District. The subject property contains a mixed use building at the front of the property with two (2) residential

dwelling units on the second floor and two office tenant spaces on the first floor. The back half of the property contains a commercial garage. The property has been used as major auto repair facility with office space and included the two existing residential dwelling units.

In the I1 district, a contractor's office is a conditional use. The applicants intend to use the garage space and one of the office spaces for a landscaping business. The applicants are also requesting the rezoning to add the Industrial Living Overlay District (ILOD) to allow more flexibility in the range of uses permitted at the subject site and to bring the two existing dwelling units into conformance with the zoning code. The applicants intend to lease out the second office space to a general retail sales and service tenant.

As of writing this staff report, staff has not received any correspondence from the Seward neighborhood organization. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING

Findings As Required By the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The subject property is designated as transitional industrial on the future land use map in *The Minneapolis Plan for Sustainable Growth*. Areas designated as transitional industrial are suited for industrial development and limited supporting commercial uses. Industrial areas located outside of Industrial Employment Districts are labeled "transitional" since they may eventually evolve to other uses compatible with surrounding development. Although they may remain industrial for some time, they do not have the same level of policy protection as areas within industrial districts. Transitional industrial districts may transfer to another use over time, while industrial districts are preserved for industrial use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the rezoning:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

Land Use Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

Economic Development Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base.

Staff comment: The adjacent uses to the north, south and west are a combination of industrial, institutional and commercial uses. The properties located to the east, across the alley, are primarily low density residential. There are properties in the area, to the south and southeast, that are already within the ILOD and have incorporated a range of uses. The proposed rezoning request to add the ILOD will allow for a range of uses, such as general retail sales and services uses, theaters, minor sports and health facilities and residential development, and will bring this mixed use building into conformance with the zoning code. The subject property is not located in a designated industrial employment district. The proposed rezoning is consistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment is in the public interest and not solely that of the property owner. The proposal to add the ILOD to the subject property will allow more flexibility in uses and will bring the residential uses into conformance with the zoning code, while maintaining the underlying industrial zoning district. Adding the ILOD to the existing I1 District will allow for additional general retail sales and services uses and other limited commercial uses that are appropriate in a transitional industrial area. This is consistent with the goals for this area outlined in finding number one above.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The primary zoning classification of the I1 District will remain on the properties. The properties to the west, north and south are a mix of I1 and I2 zoning while the properties to the east are zoned residential. There are a mix of uses in the area, including residential, industrial uses, commercial uses, and public or institutional uses. Given the surrounding uses and zoning classifications, the amendment of this zoning classification to add the ILOD is compatible with the immediate area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The use of the property has historically been mixed use. The building was originally constructed in 1913 as a mixed use building with commercial space on the first floor and two dwelling units above. A building permit was issued in 1924 to construct the garage to the rear of the existing mixed use building. City records indicate that the commercial use of the building was converted to auto repair

CPED Report
BZZ-5954

in the 1970s. In addition to industrial uses, the I1 District allows a limited number of commercial uses, including the following:

- Art gallery
- Art studio
- Building material sales
- Child care center
- Contractor's office (conditional use)
- Day labor agency (conditional use)
- Farmers' market
- Liquor store, off-sale (conditional use)
- Motorized scooter sales
- Neighborhood electric vehicle sales
- Office supply sales and service
- Photocopying
- Offices.
- Catering
- Coffee shop, with limited entertainment
- Nightclub
- Restaurants (limited to 5,000 square feet of gross floor area)

The addition of the IL Overlay District will expand the number of uses allowed to include the following:

- General retail sales and services uses.
- Antiques and collectibles.
- Banks and financial institutions.
- Bookstore, new or used.
- Grocery store.
- Laundry, self service.
- Performing, visual or martial arts school.
- Reception or meeting hall.
- Sports and health facility, minor.
- Theater, indoor, provided live performance only.
- Video stores up to four thousand (4,000) square feet
- Dwelling units and supportive housing (conditional use)

The existing zoning classification with the addition of the ILOD will allow for uses characteristic of a transitioning industrial area and allow for reasonable use of this property.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The subject property has been zoned industrial since 1924, the first year the City of Minneapolis had a codified zoning ordinance. This area was identified as transitional industrial in the comprehensive plan, recognizing that there is some change occurring in the area. The character and trend in redevelopment of the area is moving towards the types of uses allowed in the ILOD. The proposed amendment will be in character and consistent within the surrounding area.

CONDITIONAL USE PERMIT: to allow a contractor's office in the I1 Light Industrial District.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Department of Community Planning and Economic Development has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The applicant is proposing to convert the garage and half of the commercial portion of the first floor of the existing mixed use building to a contractor's office for Wetland Habitat Restoration. By definition of the zoning code, a contractor's office is "An office providing building construction or property maintenance services, and which does not involve outdoor storage of machinery or equipment. Examples include but are not limited to plumbing, electrical and cleaning contractors." Wetland Habitat Restoration is a landscape company that does ecological restoration work and a range of other landscape services. The applicant has stated that their work requires that materials and supplies are delivered to the work site and are not typically stored at their office. They further state that any equipment, materials and vehicles brought to the office will be stored within the building at the subject site. All activities associated with the businesses at the subject site will occur indoors. The proposed use will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is fully developed and is comprised primarily of industrial and commercial uses to the north, south and east and residential uses to the west. The conversion of some of an existing mixed use building and garage space to accommodate a contractor's office should not impede the normal or orderly development of surrounding property in the area. A contractor's office that fully complies with the enclosed building requirement should have less of an impact on surrounding property than the previous major auto repair use. The use is not expected to produce any odors or exterior impacts. No other nuisances are expected. As such, the use will not be injurious to the use and enjoyment of adjacent properties.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Roads and utilities are existing and adequate. No changes are proposed as part of the project.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The project is not expected to contribute to congestion in the public streets. The existing site contains six (6) off-street parking spaces in the existing garage. The off-street parking requirement for the contractor's office is four (4) spaces and the two residential dwelling units

have a parking requirement of two (2) spaces. The commercial space that will be available for lease is less than 1,000 square feet and therefore does not have a parking requirement.

5. Is consistent with the applicable policies of the comprehensive plan.

The site is designated as transitional industrial on the future land use map in *The Minneapolis Plan for Sustainable Growth*. Areas designated as transitional industrial are suited for industrial development and limited supporting commercial uses. Industrial areas located outside of Industrial Employment Districts are labeled “transitional” since they may eventually evolve to other uses compatible with surrounding development. Although they may remain industrial for some time, they do not have the same level of policy protection as areas within industrial districts. Transitional industrial districts may transfer to another use over time, while industrial districts are preserved for industrial use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the rezoning:

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Land Use Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

Economic Development Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base.

Environment Policy 6.15: Support local businesses, goods and services to promote economic growth, to preserve natural resources, and to minimize of the carbon footprint.

6.15.1 Invest in local businesses, goods and services.

6.15.2 Support the growth and development of local businesses.

Staff comment: The proposed use will be established in an existing building and all activities associated with the contractor’s office will occur inside the building. The conversion of a portion of the building to a contractor’s office use is consistent with the above policies of the Comprehensive Plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.

In the I1 district, outdoor storage of equipment is not allowed and is subject to section 550.80 of the zoning code. If compliance with this ordinance is not maintained, the use is classified as a

contractor's yard. A contractor's yard is not a permitted use in the I1 district.

550.80 Enclosed Building Requirement. All production, processing, storage, sales, display or other business activity in the industrial districts shall be conducted within a completely enclosed building, except as otherwise provided in each industrial district.

Truck and commercial vehicle parking is restricted by section 550.110 of the zoning code. Any vehicle for the contractor's office use must comply with this ordinance to park on-site. No regular outdoor parking is proposed as part of this application.

550.110. Truck and commercial motor vehicle parking. (a) In general. Regulations governing the outdoor parking of trucks and other commercial motor vehicles shall apply only to vehicles that are parked regularly at a site and shall not apply to pick-up and delivery activities or to the temporary use of vehicles during construction. Outdoor storage of motorized equipment other than motor vehicles in operable condition shall be limited to areas where outdoor storage is allowed.

(b) Parking within one hundred (100) feet of a residence or office residence district boundary. Outdoor parking of trucks and other commercial vehicles shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight when located within one hundred (100) feet of a residence or office residence district boundary.

(1) Increasing weight. The gross vehicle weight limitation for trucks and other commercial vehicles parked within one hundred (100) feet of a residence or office residence district boundary may be increased by conditional use permit, as provided in Chapter 525, Administration and Enforcement. Preference may be given to applications for conditional use permit approval which limit parking to single rear axle vehicles of not more than thirty-three thousand (33,000) pounds gross vehicle weight and which exclude truck tractors or semitrailers. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining gross vehicle weight limitations:

- a. Number and size of vehicles to be parked.
- b. Proximity of parking area to residential uses.
- c. Screening and landscaping of parking area.
- d. Location of truck routes and amount of truck traffic.

(c) Required screening. All outdoor parking of trucks and other commercial vehicles shall be screened from view as required by this zoning ordinance.

Refuse and recycling storage containers are required to be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential

CPED Report
BZZ-5954

uses. Refuse containers are not identified on the submitted site plan. Any refuse containers must be stored within the building or must be screened from adjacent residential properties across the alley.

Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the I1 Light Industrial District one can have one-and-a-half square feet of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 20 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 80 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is not proposing any specific signage at this time but has indicated that they may reface the existing projecting sign. Any new signage will require Zoning Office review, approval and permits.

The site would conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit and the implementation of the recommended conditions of approval.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development for the rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to add the IL Industrial Living Overlay District to the existing I1 Light Industrial District for the property located at 2521-23 27th Avenue S.

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit for a contractor's office:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a contractor's office for the property located at 2521-23 27th Avenue S, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
- 2) The use shall comply with the enclosed building requirement of section 550.80 of the zoning code. For the purposes of this requirement, "enclosed" shall mean completely enclosed with no outdoor storage, sorting or processing of materials.
- 3) The use shall comply with the truck and commercial vehicle parking requirement of section 550.110 of the zoning code.

CPED Report
BZZ-5954

- 4) Refuse containers shall be screened as required by section 535.80 of the zoning code.
- 5) CPED Planning staff review and approval of the final site and landscaping plans.

Attachments:

1. Rezoning matrix
2. Zoning map
3. Future land use map
4. Statement of proposed use and findings submitted by the application
5. Correspondence to neighborhood association and council office
6. Plans submitted by the application
7. Photos